

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:15-CR-132
)
LAMONT DARNELL FORTUNE)

MEMORANDUM AND ORDER

The defendant is charged with three cocaine base offenses: conspiring to distribute and possess with the intent to distribute (Count One); possession with the intent to distribute (Count Two); and distribution (Count Eight). He moves to suppress evidence directly pertaining to Count Two. [Doc. 119]. The United States has responded in opposition to that motion, and the defendant has filed a supplemental memorandum. [Docs. 124, 128].

United States Magistrate Judge Clifton Corker conducted an evidentiary hearing on March 10, 2017. Now before the court is the magistrate judge's March 24, 2017 report and recommendation ("R&R"), recommending that the defendant's motion be granted. [Doc. 131].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to

which objection is made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections have been filed as to the present R&R, and the time for doing so has now passed. The undersigned has nonetheless thoroughly reviewed the R&R, the defendant’s motion, the parties’ briefing, and the pertinent case law. The court has also read the transcript of the March 10 evidentiary hearing.

Finding itself in complete agreement with the magistrate judge, the court **ADOPTS** the findings of fact and conclusions of law set out in the report and recommendation [doc. 131]. It is **ORDERED** that the defendant’s motion to suppress [doc. 119] is **GRANTED**. This case remains set for trial on April 19, 2017.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge